

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:17-CR-255-FL

UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 BILLY MCCOY IRIZARRY-FELICIANO :

**PRELIMINARY ORDER OF FORFEITURE**

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on December 14, 2017, and the defendant's guilty plea to offenses in violation of 21 U.S.C. §§ 841(a)(1) and 846, and 18 U.S.C. § 924(c)(1)(A)(i), and further evidence of record and as presented by the Government, the Court finds that the following property is hereby forfeitable pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as firearms and ammunition used in knowing violation of 18 U.S.C. § 924(c)(1)(A)(i), and currency constituting the proceeds or of facilitating the drug offenses, to wit:

- (1) \$23,700.00 in U. S. Currency;
- (2) One .40 Caliber Smith and Wesson handgun bearing a serial number of HFU8603;

(3) One .40 Caliber Springfield XD handgun bearing a serial number of XD571663;

(4) A Glock 23 handgun bearing a serial number of ECE761;

(5) A Glock 27 handgun bearing a serial number of RET014;

(6) Two additional Springfield XD .40 Caliber ammunition magazines;

(7) Four additional Glock .40 Caliber ammunition magazines;  
and

(8) A quantity of .40 Caliber Ammunition rounds; and

WHEREAS, by virtue of said finding, the United States is now entitled to possession of said property pursuant to 21 U.S.C. § 853 and Fed. R. Crim. P. 32.2(b)(3);

It is hereby ORDERED, ADJUDGED and DECREED:

1. That based upon the Guilty Plea by the defendant, Billy McCoy Irizarry-Feliciano, the United States is hereby authorized to seize the above-stated property, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, subject to the provisions of 21 U.S.C. § 853(n), as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Preliminary Order of Forfeiture in the

applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That pursuant to 21 U.S.C. § 853(n), the United States shall publish notice of this Order and of its intent to dispose of the property in such manner as the Attorney General or the Secretary of Treasury directs, by publishing and sending notice in the same manner as in civil forfeiture cases, as provided in Supplemental Rule G(4). Any person other than the defendant, having or claiming any legal interest in the subject property must file a petition with the Court within 30 days of the publication of notice or of receipt of actual notice, whichever is earlier.

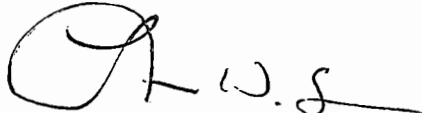
The petition must be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest in the subject property, and must include any additional facts supporting the petitioner's claim and the relief sought.

4. That upon adjudication of all third party interests this Court will enter a Final Order of Forfeiture pursuant to 21

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U.S.C. § 853 and 28 U.S.C. § 2461(c), as required by Fed. R.  
Crim. P. 32.2(c)(2).

SO ORDERED. This 6<sup>th</sup> day of June, 2018.

  
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LOUISE W. FLANAGAN  
United States District Judge